



State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT CHANGE

File NR CS2-30407  
WR Doc ID 5766576

Changed Place of Use

PRIORITY DATE  
May 30, 2007

WATER RIGHT NUMBER  
CS2-30407

MAILING ADDRESS  
DENNIS CRAWFORD  
3826 6TH AVE NW  
OLYMPIA 98502

SITE ADDRESS (IF DIFFERENT)  
1222 SUMMIT LAKE SHORE RD NW  
OLYMPIA WA 98502

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	GPM	0.34

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic single	0.02		CFS	0.34		01/01 - 12/31

REMARKS

In-house use only

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
THURSTON	SUMMIT LAKE	KENNEDY CREEK	14-KENNEDY- GOLDSBOROUGH

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
SUMMIT LAKE	77100008800	18N	03W	08	NESW	47.058019	-123.08735

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

77100204000

REPORT OF EXAMINATION FOR WATER RIGHT CHANGE



**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

SUMMIT LAKE 1P PALISADES BLOCK LT 40 012022.  
(1222 Summit Lake Shore Rd NW)

**Proposed Works**

A screened intake equipped with a 1 horsepower pump and a 1¼ -inch distribution line to a single residence.

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
November 1, 2013	November 1, 2014	November 1, 2016

**Measurement of Water Use**

How often must water use be measured?	Annually
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

**Provisions**

Use of water under this right is limited to in-house use only.

This water right must be relinquished if a public water supply becomes available to the place of use.

**Measurements, Monitoring, Metering and Reporting**

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Water use data shall be recorded annually and maintained by the water right holder for a minimum of five years, and shall be promptly submitted to Ecology upon request.

**Department of Fish and Wildlife Requirement(s)**

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.



### **Proof of Appropriation**

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

### **Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

### **Real Estate Excise Tax**

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

### **Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CS2-30407, subject to existing rights and the provisions specified above.

### **Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

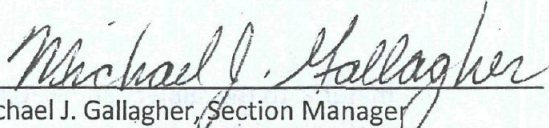
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.



- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 25<sup>th</sup> day of July 2013.

  
 Michael J. Gallagher, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.



## INVESTIGATOR'S REPORT

Marie Peter, Department of Ecology

Water Right Control Number CS2-30407

### BACKGROUND

This report serves as the written findings of fact concerning Application for Change of Water Right Number CS2-30407.

*Note: This abbreviated Report of Examination was prepared to document and support the transfer of the original project under Permit S2-30407 to another nearby parcel on Summit Lake. Although, the legal description and parcel number of the place of use will change, the project is otherwise unchanged.*

#### EXISTING Water Right Attributes

Water Right Owner:	Crawford
Priority Date:	5/30/2007
Place of Use	Thurston County Parcel No. 77100204300 (1234 Summit Lake Shore Rd NW)

County	Waterbody	Tributary To	WRIA
Thurston	Summit Lake	Kennedy Creek	14-Kennedy-Goldsborough

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic single	0.02	CFS	0.34	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Summit Lake	77100204300	18N	03W	08	NE SW	47.058019	-123.08735

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

#### REQUESTED Water Right Attributes

Applicant Name:	Crawford
Date of Application:	5/14/2013
Place of Use	Thurston County Parcel No. 77100204000 (1222 Summit Lake Shore Rd.NW)

County	Waterbody	Tributary To	WRIA
Thurston	Summit Lake	Kennedy Creek	14-Kennedy-Goldsborough

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Domestic single	0.02	CFS	0.34	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Summit Lake	77100204300		18N	03W	08	NE SW	47.058019	-123.08735

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.



### Legal Requirements for Requested Change

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The following is a list of requirements that must be met prior to authorizing a change in place of use of a water right.

#### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of the original application published in *The Olympian* of Thurston County on July 13 and 20, 2007 serves the purpose of this change as all of the information advertised still applies to the change.

#### *Consultation with the Department of Fish and Wildlife*

The Department must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water. WDFW was notified in the initial processing of this water right. Because the diversion and use of water under the proposed change remains unchanged from the original proposal, no additional notification or update is needed.

#### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this change proposal does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

#### *Water Resources Statutes and Case Law*

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.



## INVESTIGATION

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### History of Development

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Water Right Permit S2-30407 was issued to Dennis and Monica Crawford on May 8, 2009. Under the original development schedule, construction was required to begin by April 1, 2010. On October 25, 2010, the applicants submitted a *Construction Notice* reporting that the property had been cleared and that construction was still in the planning stages due to the economic downturn. An extension was granted through November 1, 2013 to begin construction.

On May 14, 2013, Dennis and Monica Crawford filed an *Application for Change/Transfer of Water Right* to transfer the place of use of this project from one parcel to another nearby parcel. They also submitted a letter on May 17, 2013 explaining the reason for the change request.

The Crawfords encountered the following issues in planning to construct a home on the original place of use parcel:

1. A large existing 11-bedroom septic system occupies the roadside portion of the parcel.
2. A reserve drain field is being re-located at the other end of the parcel.
3. Two additional easements restrict access to the property.

The Crawfords own multiple lots on Summit Lake including the waterfront point of diversion parcel at 1225 Summit Lake Shore Road and several larger "upland" parcels across the road. There are two parcels between the original place of use at 1234 Summit Lake Shore Road and the new place of use parcel at 1222 Summit Lake Shore Road. The Crawfords also own the intervening parcel next to the proposed place of use.

The new place of use parcel has the advantage of an existing site plan, septic system and engineering work already completed. Building a home on this lot is more economical and does not present the engineering challenges associated with the original building site. The project is otherwise identical to the original proposal.

### Discussion

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RCW 90.03.380(1) requires actual beneficial use of a water right prior to allowing a change. Inchoate quantities under water right permits are not eligible for change. This requirement prevents speculative use of undeveloped water which would enable reservations of water inconsistent with the state's priority system.

Water under Permit S2-30407 has not yet been applied to beneficial use. However, this change proposal satisfies the intent of the development requirement of RCW 90.03.380(1) because it is a transfer of the original project rather than a newly conceived project resulting from speculation. Amendment of the original proposal was triggered by development restrictions and engineering challenges at the original construction site. This report serves as a means to document the scope of the requested change and address legal requirements that apply.



### Other Rights Appurtenant to the Place of Use

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There are no other water rights appurtenant to the original or proposed place of use.

### Impairment Considerations

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The point of diversion, diverted quantities, and all other attributes except for the specific place of use remains unchanged under the new proposal. The only change will be the return of water to a septic drain field located approximately 300 feet west of the original site. The new place of use parcel is parallel to and approximately the same distance above the lake as the original parcel. Thus, there will be no new impacts as a result of this change.

### Conclusion

- The proposed change or amendment will not impair existing rights.
- The underlying water right will not be enlarged as a result of this amendment.

## **RECOMMENDATIONS**

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

### *Purpose of Use and Authorized Quantities*

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:


- .02 cubic feet per second
- 0.34 acre-feet per year
- Single domestic supply, in-house use only

### Point of Diversion

NE¼, SW¼, Section 8, Township 18 North, Range 3 W.W.M.

### Place of Use

Thurston County Parcel No. 77100204000, 1222 Summit Lake Shore Road NW

  
Report Writer

07-25-2013  
Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.